

HUMAN EQUALITY REGARDLESS OF RACE OR ETNIA: A CASE STUDY OF ROMA COMMUNITY IN ALBANIA, DURRËS CITY

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Abstract

The problem faced by Roma community in Albania has been well known for years; thus their current status is dependent on different specifications which form the vicious circle from where it is difficult to get out.

This paper will make a multidimensional evaluation that includes the legal aspect, health, and the current conditions of life, of this target group of people who live in one of the greatest city of Albania which is Durres.

Keywords: Roma community, law enforcement, discrimination, living conditions

Introduction

The Roma community lives in Albania for over 600 years and arrived before the Ottoman invasion. For the first time, Roma were registered in Albania during the years 1522-1523 and has accounted a number of 1,270 people, thus their names are mentioned in old texts in the year 1635. In 1995, the International Group of Minority Rights has estimated that their number was 90,000, but the University of Maryland in the same year stated that there were 120,000 Roma living in Albania. Hence now days, it was assumed that this number may grow bigger, because the pace of growth of this population is 3% higher than the other part of the Albanian population.

Therefore, referring to the data taken from the statistics of the local institutions of the city of Durres, the archive, internet etc., thus the statistics regarding the number of Roma living in Albania is missing, because their general census was not conducted before 2011, where the census survey took a more selective character, and the results are not yet processed.

The Roma minority is considered a linguistic minority, with the argument that there is a state of reference⁹⁶, although, this does not justify

⁹⁶ (Strategjia Kombetare Per Permirsimin e Kushteve te Komunitetit Rom, fq 7).

the lack of a census in this manner to put them just the other part of the society under the jurisdiction of Albania, from where the rights and obligations are derived.

According to the NGO “ALBAROM” that works in Durres, there are about 1,101 inhabitants on average by 183 families, which are concentrated mainly in the areas of Nish-Tulle and Shkozet, which are two neighborhoods of Durres.

1. The Legal Framework

The Organization for Security and Cooperation in Europe, its member States and the OSCE presence in Albania, including the People's Advocate Office, which is responsible for the respect of human rights in our country, consider concern the situation of the Roma minority.

Good human relationships, which are part of tolerance and respect for others, regardless of their nationality, language or color, are the key features of contemporary democracy.

From this point of view, the presence of the People's Advocate through the creation of the National Strategy for improving the living conditions of the Roma minority, have shared the opinion that the institutions of central and local governments should seek to achieve the objectives of this strategy, both in the direction of employment and also in determining the funds in the right direction to fulfill their needs. Nevertheless, from my point of view in many cases, these objectives have remained unfulfilled.

Although the legal framework for the minority in the Albanian Republic is enriched constantly, unfortunately, they cannot be placed in charge by the competent authorities.

1.1. The Agreements ratified by the Albanian State.

Albania became a member of the United Nation Organization by December 14th, 1955, and has ratified almost all the major conventions of this organization with regard to human rights, some of which includes: The Universal Declaration of Human Rights of 1948 (signed in 1955), conventions for the Elimination of All Forms of Racial Discrimination 1966 (joined in 1994) etc.

Albania is a member of the OSCE and has signed all the documents presented by this organization, such as the Final Act of Helsinki, Conference of 1975, the Copenhagen Declaration of 1990, the Agreement of Paris for a New Europe of 1990, the Document of the Conference of Moscow, 1991 etc.

Albania is also a member of the Council of Europe since 13th July 1995, and has signed and ratified a significant number of documents, such as

Conventions for the Defense of Human Rights and Fundamental Freedoms of 1951, the framework agreements for the ethnic minorities' defense, etc.⁹⁷

1.2. The Albanian Constitution and the Law for Protection against Discrimination

The constitution by which the state is established on in its second part with a number of provisions of law has prescribed the rights and fundamental freedoms of the persons living inside this territory.

The paragraph 2 of Article 18 of the Constitution clearly states that:

"No person shall be unfairly discriminated for reasons such as sex, race, religion, ethnicity, (...)"⁹⁸

To implement these constitutional duties, the parliament has tried the Law number 10221 of 04.02.2010 "For protection against discrimination", with the aim of standardizing the implementation and enforcement of the principle of equality among men, regardless of race or color.

2. The current conditions of this community in the city of Durres.

The purpose of this law is to ensure the rights of every person to equality before the law, equal protection by law, equal opportunities and possibilities to exercise the rights, to guarantee the freedom to participate in public life, and also to provide effective defense mechanism against discrimination and any form of behavior that incites discrimination.

To take the adequate information on ways to raise awareness and to measure the steps that were taken for the implementation of this law, especially in education and employment, it became necessary to carry out some specific research in the Directorate of some schools and in the Employment Offices of Durres.

2.1. Education from the Perspective of Respecting the Law in the City of Durres

Even if the third part of this law determines to a large extent the duty of public or private institutions to offer educational services for these persons or specific professions so in the future they may fulfill labor market demand, this duty might not be accomplished or attained.

As a result of the increase in awareness of this law within the educational institutions by attaching a poster with the respective law in it in the schools or workplaces, the inclusion in the educational programs of concepts and negative models of behavior against the discriminator, are

⁹⁷ (Strategjia Kombetare Per Permirsimin e Kushteve te Komunitetit Rom, fq 7).

⁹⁸ (Kushtetuta e Republikes se Shqiperise fq, 14)

required for workers of these institutions according to this law, even if this has not been implemented yet in any school or in other places.

This laws has not only been attached in a corner, but were not included in the work programs and its concepts as well. Unfortunately, many people even in the important administrative positions do not know at all about this law and its specifics.

The education sector of the city, and the schools which were visited, had no data about the students of these communities (Roma frequenting their schools), so they have no information and conclusions regarding the law and its implementation.

There are no data, either study or report in the respective municipalities close to schools, on the level of education of this part of the population, apart from some general sayings, that there are many children not attending school roaming on the streets either begging or collecting garbage.

In this situation, where there are no education system is faulty, without kindergartens, playgrounds, or infrastructure, it is easy to conclude that these people are discriminated in a way.

The education of Roma and children from different color or race must be realized by identifying the number of students who must attend school, the state's school attendance through public awareness of the opinion, for the enrollment of these children in school.

Another problem of the Roma children who are not in school is precisely the fact that they are not registered, and according to the decision of the municipal council, if they are not registered, they cannot continue schooling because they do not pay taxes; hence, this is a serious problem that does not have a solution yet. This directly violates the fundamental rights of man, and as such, we must not forget that the Albanian state has ratified international agreements which ensure respect for these rights, and thus in this case, it is “the right to education”.

However, these children are denied their fundamental right by this government, and has thus deepens more into the social problem of the community.

The 9- year school is obligatory by Law to provide sanctions and penalties for parents who do not send their children to school. Therefore, it is time for these parents to be put in front of administrative responsibilities, as the violators of parental responsibility, and mandatory liability that will positively affect the welfare of children.

2.2. The Health and Lodging Conditions of the Roma Community in this City

As regards to the sanitary conditions, the fact that many of them, if not all does not profit from the health services should not be overlooked. This is because they are not insured and do not pay health insurance and consequently, their health condition remain unpredictable.

The same should be emphasized that in the places of lodging in this community, there are no health centers, and the few available ones are very far away from the community. Therefore, taking a look at the conditions of the infrastructure and their means of transportation, we can say that they are very exposed to the risk of not having medical services when needed, and the rapid spread of various diseases, including infectious ones also.

This risk also is spread over the members of this community that are included in the health insurance schemes. Family doctors do have difficulties in finding their medical registers, and as such they seldom profit from this kind of service.

Also, we must emphasize that they are considered as a vulnerable group from many social problems, such as the use of drugs, victims of human trafficking, prostitution and various infections such as HIV.

In consideration of the lodging conditions, we must emphasize that most of them lives in cottages and do not have even the minimum living conditions. A small space is usually occupied with a large numbers of people; thus in this way, the personal spaces that are given to each individual as the need for psychological well-being, are not respected.

If we refer to mental health, this community is at a higher risk because of their living conditions as mentioned above. In other words, there are no non-profits organizations or other organizations that deals with them in the city of Durres, and there is no institution that treats people with the limited skills of this community.

2.3. Occupation from the Perspective of Law Enforcement in the City of Durres

The reduction in poverty and the integration of Roma community in the society are objectives that are attainable through employment, business development, and from different programs that stimulate employment and vocational training.

From the research done in the areas of Durres where the community is located, and also in the neighborhoods of the city where this population is concentrated, unemployment rate is very high compared to people who are unable to work. According to statistics taken from ALBAROM NGO, in the city of Durres, 253 Roma women are able to work and are seeking

employment; however, this number is even bigger because the statistical data obtained is an estimated value, because of the lack of official statistics.

The reasons for the high level of unemployment in these areas are: lack of education, local disadvantage, discrimination, the low efficiency of employment policies, etc.

Our legislation in this direction set of mandatory requirements, orders the National Employment Service in cooperation with the local government to create effective programs to solve the problem of unemployment in long-term solution.

From this point of view, Employment Offices must offer services not only to the unemployed population that is registered, but they must create contacts with those citizens that are not registered yet as unemployed for the reasons mentioned above. Therefore, what was noted was that the Employment Office in Durres, has not respected these legal obligations.

The law number 10221, 04.02.2010 "For protection against discrimination", specifies that this law should be attached in a corner of each education and work institutions, and this has not been done. Thus, almost no one knows it and there are no specific programs for the elimination of unemployment for this minority group.

With great unhappiness, I declare that these institutions have never created specific programs for employment and professional training of this community, or have not created a program that facilitates the recruitment of people from this community in the labor market place.

For the integration of Roma community in the system of public and private education, public institutions must take concrete measures, like: Facilitating the opening of training courses for employment identified by the public and private centers of vocational training, identify the people of this community which are physically and mentally able to work, and who have completed their vocational courses, so as to provide places such as: nursery school teacher etc. to work.

3. The Differences in Living Conditions of Roma Communities in the Two Systems of Government in Albania

According to historians, during the Second World War, the Roma in Albania, were not persecuted in concentration camps. The Albanian Roma has participated in the war, where many of them have joined Albanian army against the invader. After the war, the Albanian state has followed the policy of education and the homogenization of the Albanian people, considering this community as an integral part of the whole. According to studies, it should be noted that during the communist regime, the Roma had jobs, land

reform, compulsory education etc.; thus they were integrated into the Albanian population, regardless of system errors.

This fact indicates very well the phenomenon of the elimination of discrimination, if specific policies have this kind of objective such as equality to attain. With the democratic changes, the Roma were the first to lose their jobs, becoming the weakest and the vulnerable part of the society. Due to lack of necessary education and qualification, their position in the society changed drastically. Due to the effect of poverty, the new generation of Roma children, and those of other color or race were not able to continue the school. Thus, majority of them had become victims of various human traffics.

Currently, the economic situation of Roma in Albania, and their living conditions are of very low standard, as a result of the rate of unemployment, which has increased drastically than the other part of the population.⁹⁹

Thus, it is very important to understand the causes of a specific problem, to make a detailed analysis of the situation and to understand the possible solutions to the problems.

These differences clearly shows that in a totalitarian regime, which lacked many freedoms such as freedom of speech, where censorship was larger than the freedom to live, the objectives of policies is to get equality in education, employment, lodging conditions; while in a democratic state, these right of a specific group of population are totally denied, thus ignoring the fundamental rights and neglecting the establishment of the minimum standards of living conditions.

Perhaps a good analysis that allows us to arrive at some meaningful conclusion is very useful. If there are laws pointing to equality, this can be achieved and people can live in an equitable society without considering the color of their skin.

Conclusion

We must become aware that collaboration is needed in highlighting the responsibilities and the measures that are necessary to resolve the situation.

Thus, it is urgent that the local government should highlight and enroll the children of this targeted group into centralized education institutions through attendance at existent kindergarten, or building them in the locations where they are focused, and also through the restoration of the existing ones.

⁹⁹ (Strategjia Kombetare Per Permirsimin e Kushteve te Komunitetit Rom)

An important obligation of the government and its structures is the inclusion of children of this population in an active social life, and away from risky and deviant behaviors, in which they can easily be involved taking into account about their living conditions.

The non-profit organizations which are responsible for different projects for the education and development of this category of children should be more careful and practical not to waste any more time on awareness campaign because most of the work of non-profits organization is focused on this. Hence, the needs are concentrated on other parts as we have analyzed through this paper.

Since the problems of this community are concrete, also the intervention must be concrete and tangible for them.

NGO's cannot change the direction of the wind, but can adapt and adjust the sails in the right direction.

In order to eliminate the street work, NGOs also through the help of foreign and Albanian donors, must open the daily centers, which should serve as schools for these children.

The governments for some reasons that are well known are "the Czechs," "the deaf", "the powerless", also many times, there are also weaknesses inhumane, but this should not affect in ruining the hope of a decent life.

Certainly, we are listing the causes of the current status of the Roma community in Albania and in the specific area of Durrës, and as such we can say that the major cause is precisely the negligence of the central and local authorities to implement what is emphasized in the national strategy for the improvement of living conditions in Roma, as well as the recently approved law, and not forgetting all the agreements ratified by the Albanian state to respect human rights.

It is also important to motivate people who work in government institutions, to break stereotypes and to capture the notion of basic human rights.

Many people who work in public administration "are victims" of the term known as racial discrimination.

The term discrimination is used to indicate an unfair treatment or denial of normal privileges to persons because of race, sex, nationality and faith.¹⁰⁰ According to this paradox that exists in modern times, where there is a propaganda for freedom, equality and democracy more than ever, there are strict schemes within us, leading us often to forget the crux of the problem.

“Often” is not enough to give a name to a specific problem in order to resolve it. Surely, this is the first step, but we must be empathetic to

¹⁰⁰ Black's Law Dictionary, Sixth Edition, St Paul, Minn, West Publishing CO, 1990, p467

understand that nothing is impossible if a society really wants it, and we must learn to respect the rights of man, even more now that the law is complete and there is no more empty legislation.

Generally speaking, human rights determine those rights that exist in our nature and without which we cannot live by like human beings. The rights and fundamental freedoms give us the opportunity to fully develop and use our human qualities, our intelligence, talents and our conscience, and also assist in achieving our spiritual goals.

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